

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 04-10299-PBS
MARIA ESCOBAR, ET AL,)	
Defendants,)	
_____)	

STATUS REPORT
August 1, 2005

SWARTWOOD, C.M.J.

The following is a Status Report to Saris, J. to whom this case is assigned:

1. Rule 11 Hearing

This is a multi defendant-cases in which some Defendants have previously been referred to Judge Saris for trial and other Defendants have previously been referred to Judge Saris for a Rule 11 hearing. The Defendants, Andres Martinez-Acevez and Gerardo Vasseur Ortiz, have requested that this case with respect to them be referred to Judge Saris for a Rule 11 hearing. I have granted that request.

2. Discovery

The Government has completed its obligation for discovery, but because of the volume of discovery, involving many Title III intercepts, many of the Defendants have requested additional time

to review that discovery in order to determine whether or not they need to seek additional discovery from the Government. Defendants, William R. Holmes and Gene A. Anderson, have only recently been arrested in connection with this Indictment and counsel for those Defendants have requested additional time to review the voluminous discovery produced by the Government in this case. Therefore, I am establishing the following schedule for completion of discovery in this case:

- (1) Defendants may file a consolidated discovery request letter by September 2, 2005 and the Government shall respond by September 23, 2005;
- (2) If the Government and those Defendants seeking discovery fail to resolve their discovery issues, then the Defendants may file a consolidated motion¹ seeking further discovery by October 14, 2005 and the Government shall respond to that motion by November 4, 2005.

3. Further Status Conference

A further status shall be held in this case on Monday, November 7, 2005, at 2:00 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, U.S. Courthouse, 595 Main Street, Worcester, Massachusetts.

4. Excludable Time

I am excluding from the Speedy Trial Act, the period from July

¹In multi-defendant cases, the Defendants must file a single consolidated motion. See LR 116.3(H).

28, 2005 (date of expiration of prior order of excludable time) through November 4, 2005 (date by which the Government shall file its response to Defendants' consolidated discovery motion). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Friday, January 13, 2006.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE